

# PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

**PCT**

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C.20231  
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year)  
19 June 2000 (19.06.00)

International application No.  
PCT/JP99/06086

Applicant's or agent's file reference  
PCT/NE-004

International filing date (day/month/year)  
02 November 1999 (02.11.99)

Priority date (day/month/year)  
02 November 1998 (02.11.98)

Applicant

HAMABE, Kojiro

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
02 November 1999 (02.11.99)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Masashi HONDA

Telephone No.: (41-22) 338.83.38

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP99/06086

A. CLASSIFICATION OF SUBJECT MATTER  
Int.Cl<sup>7</sup> H04B7/26, 102

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Int.Cl<sup>7</sup> H04B7/26-7/26, 102  
H04Q7/00-7/38

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
Jitsuyo Shinan Koho 1926-2000 Toroku Jitsuyo Shinan Koho 1994-2000  
Kokai Jitsuyo Shinan Koho 1971-2000

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO, 97/50197, A1 (NTT MOBILE COMMUNICATIONS NETWORK INC.), 31 December, 1997 (31.12.97) & EP, 853393, A	48, 52, 68, 90-98
X	JP, 8-237220, A (AT & T Corporation), 13 September, 1996 (13.09.96) & EP, 715423, A & US, 5727033, A	48, 52, 68, 90-98
X	Technical Research Report by The Institute of Electronics, Information and Communication Engineers, Vol.98, No.21 (RCS98 11-23), p.51-57	48, 52, 68, 90-98

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

\* Special categories of cited documents:  
"A" document defining the general state of the art which is not considered to be of particular relevance  
"E" earlier document but published on or after the international filing date  
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)  
"O" document referring to an oral disclosure, use, exhibition or other means  
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention  
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone  
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art  
"&" document member of the same patent family

Date of the actual completion of the international search  
12 January, 2000 (12.01.00)

Date of mailing of the international search report  
25 January, 2000 (25.01.00)

Name and mailing address of the ISA/  
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

P C T

REC'D 28 JUL 2000

W-0

PCT

## 国際予備審査報告

(法第12条、法施行規則第56条)

〔PCT36条及びPCT規則70〕

出願人又は代理人 の書類記号 PCT/NE-004	今後の手続きについては、国際予備審査報告の送付通知（様式PCT/ IPEA/416）を参照すること。	
国際出願番号 PCT/J P 99/06086	国際出願日 (日.月.年) 02.11.99	優先日 (日.月.年) 02.11.98
国際特許分類 (IPC) Int. Cl <sup>7</sup> H04B7/26		
出願人 (氏名又は名称) 日本電気株式会社		

1. 国際予備審査機関が作成したこの国際予備審査報告を法施行規則第57条 (PCT36条) の規定に従い送付する。

2. この国際予備審査報告は、この表紙を含めて全部で 5 ページからなる。

- ☐ この国際予備審査報告には、附属書類、つまり補正されて、この報告の基礎とされた及び／又はこの国際予備審査機関に対してした訂正を含む明細書、請求の範囲及び／又は図面も添付されている。  
(PCT規則70.16及びPCT実施細則第607号参照)  
この附属書類は、全部で \_\_\_\_\_ ページである。

3. この国際予備審査報告は、次の内容を含む。

- I ☒ 国際予備審査報告の基礎
- II ☐ 優先権
- III ☐ 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成
- IV ☐ 発明の単一性の欠如
- V ☒ PCT35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- VI ☐ ある種の引用文献
- VII ☒ 国際出願の不備
- VIII ☐ 国際出願に対する意見

国際予備審査の請求書を受理した日 02.11.99	国際予備審査報告を作成した日 12.07.00	
名称及びあて先 日本国特許庁 (IPEA/J P) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官 (権限のある職員) 伊東 和重 電話番号 03-3581-1101 内線 3536	5 J 8839

## I. 国際予備審査報告の基礎

1. この国際予備審査報告は下記の出願書類に基づいて作成された。(法第6条(PCT 14条)の規定に基づく命令に  
 応答するために提出された差し替え用紙は、この報告書において「出願時」とし、本報告書には添付しない。  
 PCT規則70.16, 70.17)

☒ 出願時の国際出願書類

- ☐ 明細書 第 \_\_\_\_\_ ページ、 出願時に提出されたもの  
 明細書 第 \_\_\_\_\_ ページ、 国際予備審査の請求書と共に提出されたもの  
 明細書 第 \_\_\_\_\_ ページ、 \_\_\_\_\_ 付の書簡と共に提出されたもの
- ☐ 請求の範囲 第 \_\_\_\_\_ 項、 出願時に提出されたもの  
 請求の範囲 第 \_\_\_\_\_ 項、 PCT 19条の規定に基づき補正されたもの  
 請求の範囲 第 \_\_\_\_\_ 項、 国際予備審査の請求書と共に提出されたもの  
 請求の範囲 第 \_\_\_\_\_ 項、 \_\_\_\_\_ 付の書簡と共に提出されたもの
- ☐ 図面 第 \_\_\_\_\_ ページ/図、 出願時に提出されたもの  
 図面 第 \_\_\_\_\_ ページ/図、 国際予備審査の請求書と共に提出されたもの  
 図面 第 \_\_\_\_\_ ページ/図、 \_\_\_\_\_ 付の書簡と共に提出されたもの
- ☐ 明細書の配列表の部分 第 \_\_\_\_\_ ページ、 出願時に提出されたもの  
 明細書の配列表の部分 第 \_\_\_\_\_ ページ、 国際予備審査の請求書と共に提出されたもの  
 明細書の配列表の部分 第 \_\_\_\_\_ ページ、 \_\_\_\_\_ 付の書簡と共に提出されたもの

2. 上記の出願書類の言語は、下記に示す場合を除くほか、この国際出願の言語である。

上記の書類は、下記の言語である \_\_\_\_\_ 語である。

- ☐ 国際調査のために提出されたPCT規則23.1(b)にいう翻訳文の言語  
☐ PCT規則48.3(b)にいう国際公開の言語  
☐ 国際予備審査のために提出されたPCT規則55.2または55.3にいう翻訳文の言語

3. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでおり、次の配列表に基づき国際予備審査報告を行った。

- ☐ この国際出願に含まれる書面による配列表  
☐ この国際出願と共に提出されたフレキシブルディスクによる配列表  
☐ 出願後に、この国際予備審査(または調査)機関に提出された書面による配列表  
☐ 出願後に、この国際予備審査(または調査)機関に提出されたフレキシブルディスクによる配列表  
☐ 出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述書の提出があった  
☐ 書面による配列表に記載した配列とフレキシブルディスクによる配列表に記録した配列が同一である旨の陳述書の提出があった。

4. 補正により、下記書類が削除された。

- ☐ 明細書 第 \_\_\_\_\_ ページ  
☐ 請求の範囲 第 \_\_\_\_\_ 項  
☐ 図面 図面の第 \_\_\_\_\_ ページ/図

5. ☐ この国際予備審査報告は、補充欄に示したように、補正が出願時における開示の範囲を越えてされたものと認められるので、その補正がされなかったものとして作成した。(PCT規則70.2(c) この補正を含む差し替え用紙は上記1.における判断の際に考慮しなければならず、本報告に添付する。)

## V. 新規性、進歩性又は産業上の利用可能性についての法第12条(PCT35条(2))に定める見解、それを裏付ける文献及び説明

## 1. 見解

新規性 (N)	請求の範囲	1-47, 49-51, 53-67, 69-89	有
	請求の範囲	48, 52, 68, 90-98	無
進歩性 (IS)	請求の範囲	1-47, 49-51, 53-67, 69-89	有
	請求の範囲	48, 52, 68, 90-98	無
産業上の利用可能性 (IA)	請求の範囲	1-98	有
	請求の範囲		無

## 2. 文献及び説明 (PCT規則70.7)

文献1: WO, 97/0197, A1 (NTT MOBILE COMMUNICATIONS NETWORK INC.), 31. 12月. 1997 (31. 12. 97)

文献2: JP, 8-237220, A (エイ・ティ・アンド・ティ・コーポレーション), 13. 9月. 1996 (13. 09. 96)

文献3: 電子情報通信学会技術研究報告, Vol. 98, No. 21 (RCS98 11-23), p. 51-57 (特に, p. 52右欄~p. 53左欄)

文献1~3には、受信品質に応じて目標SIR値を逐次増減して補正する送信電力制御技術が記載されている。

引用文献1, 2には目標SIR値を増加させる補正值と減少させる補正值の大小関係について記載がない。

引用文献3では、目標SIR値を増加させる補正值と減少させる補正值が同じである。

本願請求項1-47, 49-51, 53-67, 69-81には「制御目標値を増加」及び「制御目標値を徐々に減少」と記載されており、これは制御目標値を増加させる補正值の方が減少させる補正值よりも大きいことを示している。

本願請求項82-89には、制御目標値を増加させる補正值「SIRinc」と減少させる補正值「SIRdec」が記載され、通常1よりも非常に小さいフレーム誤り率の目標値を用いて、SIRincがSIRdecよりも大きいことが示されている。

これら制御目標値を増加させる補正值の方が減少させる補正值よりも大きいことは、上記文献1~3に記載されていない。

本願請求項48, 52記載の発明は「基地局」に関する発明である。本願請求項48, 52には「制御目標値を増加」及び「制御目標値を徐々に減少」の記載があるものの、これらは制御局の動作であり、基地局としては何ら特徴のある構成を有していない。

本願請求項68記載の発明は「制御局」に関する発明である。本願請求項68には「制御目標値を増加」及び「制御目標値を徐々に減少」の記載があるものの、これらは基地局の動作であり、制御局としては何ら特徴のある構成を有していない。よって、本願請求項48, 52, 68記載の発明は、上記文献1~3に比し、格別の点は認められない。

補充欄 (いずれかの欄の大きさが足りない場合に使用すること)

## 第 V 欄の続き

請求項 90-96 にはビット数云々の記載があるものの、これでは制御目標値を増加させる補正值と減少させる補正值の大小関係について特定できていない。

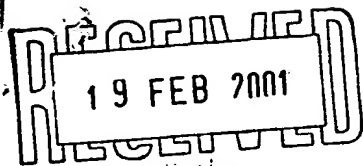
請求項 97, 98 には制御目標値を増加させる補正值と減少させる補正值の大小関係について何の特定もない。

よって、請求項 90-98 記載の発明は、前期文献 1-3 に比し格別の点はない。

## VII. 国際出願の不備

この国際出願の形式又は内容について、次の不備を発見した。

請求項11記載の「送信信号制御方法」は「送信電力制御方法」の誤記である。



## PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

COPY

SUZUKI, Hiroh  
Suzuki International Patent Office  
Mita No. 1 Nagaoka Building  
4-3, Mita 3-chome  
Minato-ku  
Tokyo 108-0073  
JAPON

Date of mailing (day/month/year) 23 January 2001 (23.01.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference PCT/NE-004	
International application No. PCT/JP99/06086	International filing date (day/month/year) 02 November 1999 (02.11.99)
Applicant NEC CORPORATION et al	

## 1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

## 2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

EP,CA,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

None

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Eliott Peretti Telephone No. (41-22) 338.83.38
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47  
Translation

PATENT COÖPERATION TRE

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT/NE-004	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP99/06086	International filing date (day/month/year) 02 November 1999 (02.11.99)	Priority date (day/month/year) 02 November 1998 (02.11.98)
International Patent Classification (IPC) or national classification and IPC H04B 7/26		
Applicant NEC CORPORATION		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input checked="" type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 02 November 1999 (02.11.99)	Date of completion of this report 12 July 2000 (12.07.2000)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

national application No.

PCT/JP99/06086

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed
- ☐ the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

national application No.

PCT/JP99/06086

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-47,49-51,53-67,69-89	YES
	Claims	48,52,68,90-98	NO
Inventive step (IS)	Claims	1-47,49-51,53-67,69-89	YES
	Claims	48,52,68,90-98	NO
Industrial applicability (IA)	Claims	1-98	YES
	Claims		NO

### 2. Citations and explanations

Document 1 [WO, 97-0197, A1 (NTT MOBILE COMMUNICATIONS NETWORK, INC.), 31 December 1997 (31.12.97)]

Document 2 [JP, 8-237220, A (AT&T CORPORATION), 13 September 1996 (13.09.96)]

Document 3 [Technical Research Report by the Institute of Electronics, Information and Communication Engineers, Vol. 98, No. 21 (RCS98 11-23), pages 51-57 (particularly page 52, right column to page 53, left column)]

Documents 1~3 describe transmission power control art for gradually increasing or decreasing a target SIR value according to reception quality and performing correction.

Documents 1 and 2 do not describe the relationship between the sizes of the correction value for increasing the target SIR value and the correction value for decreasing the target SIR value.

In document 3 the correction value for increasing the target SIR value and the correction value for decreasing the target SIR value are the same.

Claims 1-47, 49-51, 53-67, and 69-81 of this application describe "increase the control target value" and "gradually decrease the control target value." This indicates that the correction value for increasing the control target value is larger than the correction value for decreasing the control target value.

Claims 82-89 of this application describe "SIRinc" as the correction value for increasing the control target value and "SIRdec" as the correction value for decreasing the control target value, and indicates usually using a frame error rate target value that is much smaller than 1, and indicates that SIRinc is larger than SIRdec.

Making the correction value for increasing the control target value larger than the correction value for decreasing the control target value is not described in the aforesaid documents 1~3.

The invention described in claims 48 and 52 of this application is an invention pertaining to a "base station." Claims 48 and 52 of this application describe "increase the control target value" and "gradually decrease the control target value." This is a control station operation, and does not have a constitution that is the particular feature of a base station.

The invention described in claim 68 of this application is an invention pertaining to a "control station." Claim 68 of this application describes "increase the control target value" and "gradually decrease the control target value." This is a base station operation, and does not have a constitution that is the particular feature of a control station. Therefore the invention described

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP99/06086

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V (Citations and explanations):

in claims 48, 52, and 68 of this application does not have any distinctive points with regard to the aforesaid documents 1~3.

Claims 90-96 describe the number of bits and so forth. This does not specify the relationship between the sizes of the correction value for increasing the control target value and the correction value for decreasing the control target value.

Claims 97 and 98 do not specify anything regarding the relationship between the sizes of the correction value for increasing the control target value and the correction value for decreasing the control target value.

Therefore the invention described in claims 90-98 does not have any distinctive points with regard to the aforesaid documents 1~3.

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

PCT/JP99/06086

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

“Transmission signal control method” in claim 11 is an error; it should say “transmission power control method.”